

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

PAULA KRANITZ and ALAN KRANITZ
89 Thamesford Lane
Amherst, New York 14221,

Plaintiffs,

vs.

SPEEDWAY LLC
500 Speedway Drive
Enon, Ohio 45323,

and

REROB, LLC
n/k/a SPEEDWAY LLC
7401 Round Pond Road
Syracuse, New York 13212

Defendants.

Index No.

Plaintiffs designate Erie
County as the place of trial

The basis of venue is
plaintiffs' residence

SUMMONS

Plaintiffs reside at
89 Thamesford Lane
Amherst, New York

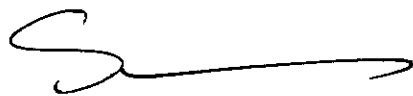
County of Erie

TO THE ABOVE NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED, to answer the Complaint in this action and to serve a copy of your Answer, or, if the Complaint is not served with this Summons, to serve a Notice of Appearance, on the plaintiffs' attorneys within TWENTY (20) DAYS after the service of this Summons, exclusive of the day of service (or within THIRTY (30) DAYS after the service is complete if this Summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the Complaint.

DATED: Buffalo, New York
December 21, 2020

LIPSITZ GREEN SCIME CAMBRIA LLP

By: 

SCOTT M. SCHWARTZ, ESQ.

Attorneys for Plaintiffs

Office and P.O. Address

42 Delaware Avenue, Suite 120

Buffalo, New York 14202

(716) 849-1333

[SMS : #66275.0001]

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

PAULA KRANITZ and ALAN KRANITZ
89 Thamesford Lane
Amherst, New York 14221,

COMPLAINT

Plaintiffs,

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Enon, Ohio 45323,

and

REROB, LLC
n/k/a SPEEDWAY LLC
7401 Round Pond Road
Syracuse, New York 13212

Defendants.

Plaintiffs, above named, by their attorneys LIPSITZ GREEN SCIME
CAMBRIA LLP, for their Complaint against the defendants, SPEEDWAY LLC
and REROB, LLC n/k/a SPEEDWAY LLC, alleges:

**AS AND FOR A FIRST CAUSE OF ACTION, AGAINST
DEFENDANTS, ABOVE NAMED, THE PLAINTIFF,
PAULA KRANITZ, ALLEGES:**

1. The plaintiffs, PAULA KRANITZ and ALAN KRANITZ, at all times
herein mentioned, were and still are residents of the Town of Amherst, located
within the County of Erie and State of New York.

2. Upon information and belief, at all times herein mentioned, the defendant, SPEEDWAY LLC (hereinafter referred to as "SPEEDWAY"), was and still is a foreign corporation authorized to do business within the State of New York.

3. Upon information and belief, the defendant, SPEEDWAY, at all times herein mentioned, was and still is doing and transacting business within the State of New York.

4. Upon information and belief, at times herein mentioned, the defendant, REROB, LLC (hereinafter referred to as " REROB), was a domestic limited liability corporation duly organized and existing pursuant to the laws of the State of New York and maintained an office for the transaction of business located within the County of Onondaga and State of New York. Following its merger with Speedway LLC, the defendant, REROB, is now known as Speedway, LLC.

5. Upon information and belief, at all times herein mentioned, the defendants SPEEDWAY and/or REROB, were the owners of a certain gas station and mini mart located at 1810 Maple Road within the Village of Williamsville, County of Erie and State of New York.

6. Upon information and belief, at all times herein mentioned, the defendants, SPEEDWAY and/or REROB, by their agents, servants and/or employees, operated the aforesaid premises.

7. Upon information and belief, at all times herein mentioned, the defendants, SPEEDWAY and/or REROB, by their agents, servants and/or employees, maintained the aforesaid premises.

8. Upon information and belief, at all times herein mentioned, the defendants, SPEEDWAY and/or REROB, by their agents, servants and/or employees, managed the aforesaid premises.

9. Upon information and belief, at all times herein mentioned, the defendants, SPEEDWAY and/or REROB, by their agents, servants and/or employees, controlled the aforesaid premises.

10. Upon information and belief, on or about the 6th day of February, 2019, the plaintiff, PAULA KRANITZ, while lawfully and properly a business invitee at the aforesaid premises, was caused to slip and fall on the sidewalk area near the entrance to the Tim Hortons.

11. Upon information and belief, the incident hereinbefore described and the resultant injuries were caused as a result of the negligent, careless, reckless and/or unlawful conduct on the part of the defendants, SPEEDWAY and REROB, their agents, servants and/or employees, in the ownership, operation, maintenance, management, and control of the aforesaid sidewalk area on the aforesaid premises, and, among other things, said negligence of the defendants, by their agents, servants and/or employees, was exhibited in defendants allowing and permitting the aforesaid sidewalk area to be used when such was in an unsafe, dangerous, hazardous and defective condition, and in allowing and

permitting it to be and remain in such condition, without warning plaintiff and others of its existence.

12. Upon information and belief, the aforesaid sidewalk area and the dangerous and hazardous and slippery condition created thereby, existed for a sufficient length of time to give both actual and constructive notice to the defendants, including notice by reasonable inspection.

13. Upon information and belief, the defendants, SPEEDWAY and REROB, affirmatively created the dangerous and hazardous condition complained of herein.

14. As a result of the alleged incident, the plaintiff, PAULA KRANITZ, sustained bodily injuries and was painfully and seriously injured, and some of the injuries may result in permanent defects; was rendered sick, sore, lame and disabled; sustained pain and suffering and shock to her nerves and nervous system; was caused to and did seek medical aid and attention; was caused to be confined to hospital, bed and home; was caused to and did incur great medical expenses and may incur further medical expenses; was caused to be incapacitated from his usual activities and employment and may be further incapacitated.

15. This action falls within one or more of the exceptions set forth in CPLR § 1602.

16. As a result of the foregoing, the plaintiff has sustained general and special damages in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**AS AND FOR A SECOND CAUSE OF ACTION
AGAINST DEFENDANTS, ABOVE NAMED, THE
PLAINTIFF, ALAN KRANITZ, ALLEGES:**

17. Repeats, reiterates and realleges each and every allegation contained in paragraphs "1" through "16" of this Complaint with the same force and effect as if fully set forth herein.

18. At all times herein mentioned, the plaintiff, ALAN KRANITZ, was the husband of the plaintiff, PAULA KRANITZ, and was entitled to her services, society, consortium and companionship.

19. Upon information and belief, as a result of the aforesaid incident, the plaintiff, ALAN KRANITZ, was deprived of the services, society, consortium and companionship of his spouse.

20. Upon information and belief, as a result of the aforesaid incident, the plaintiff, ALAN KRANITZ, was caused to and did incur medical expense and may incur further medical expense for the treatment of his spouse.

21. As a result of the foregoing, the plaintiff has sustained general and special damages in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

WHEREFORE, the plaintiffs demand judgment against the defendants, either jointly or severally, in the First and Second Causes of Action in an amount

which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction, and for such other, further or different relief as the Court may deem just and proper, together the costs and disbursements of the action.

DATED: Buffalo, New York
December 7/, 2020

LIPSITZ GREEN SCIME CAMBRIA LLP

By: 

SCOTT M. SCHWARTZ, ESQ.

Attorneys for Plaintiffs
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